

# Frankfurt Kurnit Klein + Selz PC

November 15, 2024

**VIA ECF**

Magistrate Judge Joseph A. Marutollo  
United States District Court  
Eastern District of New York  
Theodore Roosevelt United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *New York Road Runners, Inc., v. New York City Runs, Inc.*,  
Case No.: 1:24-cv-01231 (JAM)

---

Dear Judge Marutollo:

Pursuant to this Court's August 8, 2024 Minute Entry, Plaintiff New York Road Runners, Inc. ("NYRR") and Defendant New York City Runs, Inc. ("NYCRUNS") respectfully submit the following as the parties' fifth joint status report outlining the current status of discovery and mediation.

The parties agreed to a settlement in principle on October 25, 2024 and are currently negotiating a draft settlement agreement. NYRR sent NYCRUNS a draft of the settlement agreement on October 29, 2024, and NYCRUNS provided its comments and changes on the draft on November 13, 2024. On October 31, 2024, the court entered a 30-day stay of all discovery deadlines and proceedings to allow the parties to focus on settlement.

We thank the Court for its time and attention to this matter.

/s/ Richard Brown  
Richard H. Brown

/s/ Molly Rothschild  
Kimberly Maynard  
Molly G. Rothschild  
Jonathan M. K. Pryor

Magistrate Judge Joseph A. Marutollo  
November 15, 2024  
Page 2

**DAY PITNEY LLP**

605 Third Avenue, 31st Floor  
New York, NY 10158  
(212) 297-5854  
rbrown@daypitney.com

*Attorneys for Defendant New York City  
Runs, Inc.*

**FRANKFURT KURNIT KLEIN & SELZ PC**

28 Liberty Street  
New York, NY 10005  
(212) 980-0120  
kmaynard@fkks.com  
mrothschild@fkks.com  
jpryor@fkks.com

*Attorneys for Plaintiff New York Road Runners,  
Inc.*